

APPEAL NO. 032998  
FILED DECEMBER 22, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on October 24, 2003. The hearing officer resolved the disputed issues by deciding that the compensable injury of \_\_\_\_\_, does not include an injury to the lumbar spine, including the diagnosed conditions of right paracentral disc protrusions at L4-5 and L5-S1, and that the respondent/cross-appellant (claimant) had disability beginning on April 24, 2003, and continuing through the date of the CCH. Both parties appealed. The appellant/cross-respondent (carrier) appeals the disability determination, contending that the hearing officer did not apply the correct legal standard and that the determination is clearly wrong and not supported by sufficient evidence. The claimant responded, urging affirmance of the disability determination. The claimant also appealed, disputing the extent-of-injury determination. The carrier responded, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on \_\_\_\_\_. The claimant testified that she worked as a driver for the employer and was involved in a motor vehicle accident (MVA) on \_\_\_\_\_. At issue was whether the compensable injury extended to an injury to the lumbar spine, including the diagnosed conditions of right paracentral disc protrusions at L4-5 and L5-S1 and whether the claimant had disability. The claimant had the burden of proof on those issues and they presented questions of fact for the hearing officer. There was conflicting evidence presented on the disputed issues. The 1989 Act makes the hearing officer the sole judge of the weight and credibility to be given to the evidence. Section 410.165(a). As such, the hearing officer was required to resolve the conflicts and inconsistencies in the evidence and to determine what facts the evidence established. Based on the evidence presented at the CCH, the hearing officer was not persuaded that the claimant was able to prove by a preponderance of the credible evidence that the lumbar disc problems were caused or aggravated by the MVA of \_\_\_\_\_. The hearing officer noted that although the claimant had other unrelated physical problems, he was persuaded that as a result of the claimant's compensable injury the claimant was unable to obtain and retain employment at wages equivalent to her preinjury wage beginning on April 24, 2003, and continuing through the date of the CCH.

The Claimant need not prove that the compensable injury was the sole cause of her disability; only that it was a producing cause. Texas Workers' Compensation Commission Appeal No. 012689, decided December 20, 2001. Nothing in our review of the record indicates that the challenged determinations are so against the great weight

and preponderance of the evidence as to be clearly wrong or manifestly unjust. Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **SERVICE LLOYD'S INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**JOSEPH KELLEY-GRAY  
6907 CAPITOL OF TEXAS HIGHWAY NORTH  
AUSTIN, TEXAS 78755.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge